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MICROSOFT CORPORATION

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Having considered plaintiff Microsoft Corporation’s (“Microsoft”) Motion for Default Judgment and Permanent Injunction, Memorandum in Support of its Motion for Default Judgment and Permanent Injunction, the Declaration of Shaakirrah R. Sanders, the default entered by the Clerk on filed herein, the summonses, Complaint for Willful Infringement in Violation of 15 U.S.C. §§ 501 *et seq.*, Willful Trademark Infringement in Violation of 15 U.S.C. §§ 1114 *et seq.*, False

1 Designation of Origin in Violation of 15 U.S.C. §§ 1125 *et seq.*, Constructive Trust, and Accounting
 2 (“Complaint”), and Proofs of Service on file herein, and all of the relevant papers and pleadings on
 3 file with the Court in this matter,

4 **THE COURT ORDERS AS FOLLOWS:**

5 Defendants Gordon Snow and Tsunami Trading, Inc. (collectively “defendants”), their
 6 directors, principals, officers, agents, servants, employees, representatives, successors, and assigns,
 7 and all those acting in concert or participation with them shall be, and hereby are, PERMANENTLY
 8 ENJOINED and restrained from:

9 (a) imitating, copying, or making any other infringing use or infringing distribution of
 10 the software and/or materials now or hereafter protected by the following copyright Certificates
 11 Registration Nos.:

- 12 (1) TX 5-837-617 (Microsoft Office 2003 Professional);
- 13 (2) TX 5-872-225 (Microsoft Access 2003);
- 14 (3) TX 5-837-636 (Microsoft Excel 2003);
- 15 (4) TX 5-900-087 (Microsoft Outlook 2003);
- 16 (5) TX 5-852-649 (Microsoft PowerPoint 2003);
- 17 (6) TX 5-900-088 (Microsoft Word 2003);
- 18 (7) TX 5-837-618 (Microsoft Publisher 2003); and
- 19 (8) any other items or works now or hereafter protected by any Microsoft
 20 copyright;

21 (b) imitating, copying or making any other infringing use or infringing distribution of the
 22 software and/or materials now or hereafter protected by Microsoft’s registered trademarks and
 23 service mark, including, but not limited to, the following Trademark Registration Nos.:

- 24 (1) 1,200,236 “(MICROSOFT”) and
- 25 (2) 1,256,083 “(MICROSOFT”);

(c) manufacturing, assembling, producing, distributing, offering for distribution, circulating, selling, offering for sale, advertising, importing, promoting, or displaying any software, component, or thing bearing any simulation, reproduction, counterfeit, copy or colorable imitation of any Microsoft registered Trademark, Service Mark or Copyright Registration Number, including, but not limited to, those listed in paragraphs (a) and (b) above;

(d) using any simulation, reproduction, counterfeit, copy or colorable imitation of Microsoft's registered Trademarks, Service Mark or Copyright Registration Number, including, but not limited to, those listed in paragraphs (a) and (b) above, in connection with the manufacture, assembly, production, distribution, offering for distribution, circulation, sale, offering for sale, import, advertisement, promotion or display of any software program, component, and/or item not authorized or licensed by Microsoft;

(e) using any false designation of origin or false or misleading description or false or misleading representation that can or is likely to lead the trade or public erroneously to believe that any software program, component or item has been manufactured, assembled, produced, distributed, offered for distribution, circulation, sold, offered for sale, imported, advertised, promoted, displayed, licensed, sponsored, approved or authorized by or for Microsoft, when such is not true in fact;

(f) using reproductions, counterfeits, copies or colorable imitations of Microsoft's copyrighted and trademark protected software and other materials in the distribution, offering for distribution, circulating, sale, offering for sale, advertising, importing, promoting or displaying of any merchandise not authorized or licensed by Microsoft;

(g) using the names, logos or other variations thereof of any of Microsoft's copyright and/or trademark protected software in any of the defendants' trade or corporate names;

(h) engaging in any other activity constituting an infringement of any of Microsoft's trademarks, service mark and/or copyrights, or of Microsoft's rights in, or right to sue or to exploit, these trademarks, service mark, and/or copyrights;

- (i) trafficking, distributing or intending to distribute any counterfeit or illicit Microsoft Certificates of Authenticity or Certificate of Authenticity Labels or any Microsoft documentation or packaging; and
- (j) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in paragraphs (a) through (i) above.

IT IS SO ORDERED.

IT IS SO ORDERED. May
DATED this 24th day of April, 2007

Respectfully Submitted by:

KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS, LLP

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